

PATENT
Customer No. 22,852
Attorney Docket No. 08702.0005-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Lorenz et al.

Serial No.: 09/816,697

Filed: March 23, 2001

For: A Novel P-Selectin Glycoprotein
Ligand (PSGL-1) Binding Protein
and Uses Therefor

Group Art Unit: 1644

Examiner: Phillip Gambel

**CERTIFICATE OF TRANSMISSION
UNDER 37 CFR § 1.8**

I hereby certify that this correspondence
is being transmitted by facsimile to the
Patent and Trademark Office on June 25, 2002.

By:

Commissioner for Patents and Trademarks
Washington, DC 20231

Sir:

PETITION TO ACCEPT RESPONSE AS TIMELY FILED

Applicants hereby petition for acceptance of the accompanying Response to Restriction Requirement as timely filed.

Applicants received a telephone restriction requirement from Examiner Jamroz during the week of February 4, 2002. Applicants' representative telephoned the Examiner on or before March 4, 2002, and made an election with traverse. At that time, Examiner Jamroz did not indicate that an Office Action requiring restriction of the claims had been mailed on February 11, 2002. Applicants' representatives did not receive a copy of the February 11, 2002, Office Action until March 5, 2002, due to a change in the

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law firm representing Applicants. Shortly after receiving the written restriction requirement, Applicants' representative telephoned Examiner Jamroz to inquire whether the telephone election had been effective or whether a written response to the Office Action should be filed. The Examiner assured Applicants' representative that the election had been entered in the system and advised Applicants to disregard the mailed Office Action.

Examiner Jamroz subsequently left the U.S.P.T.O., and the application was transferred to Examiner Gambel. When Applicants still had not received an Office Action on the merits in this case, their representative inquired into the status of the application. At that time, Applicants learned from Examiner Gambel that the application file contained no record indicating that Applicants had made a telephone response to the restriction requirement.

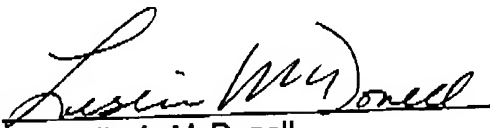
Applicants submit with this Petition a written response to the restriction requirement that is identical to the election and traverse made by telephone to Examiner Jamroz on or before March 4, 2002. Applicants request that the Commissioner accept this response as timely filed in view of facts stated above.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
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Dated: June 25, 2002

By:


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